

MEMO

TO: THE CITY COUNCIL

FROM MAYOR JEAN COWAN

SUBJECT: LETTER TO THE EDITOR-CHARTER-FOR COUNCIL APPROVAL

In light of recent adverse publicity surrounding proposed changes to Elgin's City Charter, the City Council feels obligated to comment. More than two years' research and discussions were required to develop the changes which are being presented to Elgin voters May 19. We feel these changes are necessary, valid and reasonable. Please don't spoil this effort over one area of minor disagreement.

The specific change of wording requested by the editor of the IVT dealt with the responsibilities of the municipal judge. A line outlining the judge's areas of responsibility currently reads: "He/she shall have the authority to issue process for the arrest of any person accused of an offense against the ordinances of the City, to commit any such person to jail or admit him/her to bail pending trial..." The request which was turned down by the Council was to change the word "accused" to "found guilty of". This would not be appropriate when one is referring to potential action prior to trial.

Irregardless of city charters, these are among the rights granted judges under the laws of the State of Oregon. Let's be reasonable--no one is going to jail for grass that is too long or snow that isn't shovelled. Because that would be unreasonable, and also because all but the most serious offenses against the City have been "de-criminalized," the judge will not jail someone for simple violations. However, an individual can go to jail for "contempt of court" should that person refuse to pay a fine or other judgement levied against him/her. As a judge is appointed to make decisions based on integrity and good judgement, he/she would not exercise this option without good cause. Let's respect this judgement.

To briefly review the charter changes which are proposed, they are primarily aimed at wording changes to help clarify meaning and responsibilities such as the City's legal descriptions, mayor's duties, recorder's duties, commencement of terms of office, committee appointments, meeting guidelines, etc.

Then only real change of policy revolves around bid procedures and debt limits. This change will allow the City to follow procedures recommended by the Oregon State Dept. of General Services for local government a step recommended by our City auditor for several years.

A more complete explanation of proposed charter changes appeared in an earlier edition of the IVT and was presented at subsequent public hearings. The complete charter is available during

regular office hours at the City Records office.

The City Council believes the City Charter, last amended in 1954, is still a very well-written document, needing only minor changes in updating. We urge your support of our efforts.